

REMARKS

I. Status of the Claims

Applicants thank the Examiner for the telephonic interview with Applicants' representative, Michele Mayberry, on Friday, June 4, 2004. Further to that interview and in response to the Office Action dated April 30, 2004, Applicants present this Amendment and Reply. Claims 15, 16, 18-22, and 26-28 are pending in this application. Claims 1-14, 17, and 23-25 have been canceled. Claims 15 and 16 are currently amended. Support for this Amendment can be found, for example, in previously presented claims 23 and 24, which are now canceled in light of this Amendment. No new matter is presented in this Amendment.

II. Rejection Under 35 U.S.C. §103

Claims 15-16, 18-24, 26-28 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,512,562 to *Kobayashi* in view of U.S. Patent No. 4,023,977 to *Mercurio*. Neither *Kobayashi* nor *Mercurio* disclose the claimed invention. The Examiner contends that for a 40 micron thick cellulose ester film of *Kobayashi* the claimed moisture vapor transmittance and rate of mass change are either inherent or the result of routine experimentation. Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Kobayashi discloses plasticizers, for example, triphenyl phosphate (see column 19, line 33) or ethylphthalylethyl glycolate (see column 19, line 41), which are preferably incorporated in the cellulose ester film. However, when a cellulose ester film with a thickness of 40 microns contains, as a plasticizer, triphenyl phosphate or

ethylphthalylethyl glycolate, it does not provide the claimed moisture vapor transmittance and rate of mass change.

Applicants invite the Examiner to consider comparative Film Sample Nos. 12 and 13 in Table 1 of the present Specification, which shows 40-micron thick film samples with a moisture vapor transmittance (moisture vapor permeability) and a rate of mass change (retention property) falling outside the claimed scope. For example, comparative Film Sample No. 12, with a thickness of 40 microns and containing triphenyl phosphate, lies outside the claimed scope. Further, for example, comparative Film Sample No. 13, with a thickness of 40 microns and containing ethylphthalylethyl glycolate, also lies outside the claimed scope. In contrast, the inventive samples exhibit greatly improved results in stainings and durability as compared with the comparative Film Sample Nos. 12 and 13. Accordingly, Table 1 of the present Specification shows that the moisture vapor transmittance and the rate of mass change as claimed are neither inherent nor the result of routine experimentation in *Kobayashi's* film.

In view of the above, claims 15-16, 18-24, and 26-28 are not obvious in light of the Examiner's cited reference combination. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103.

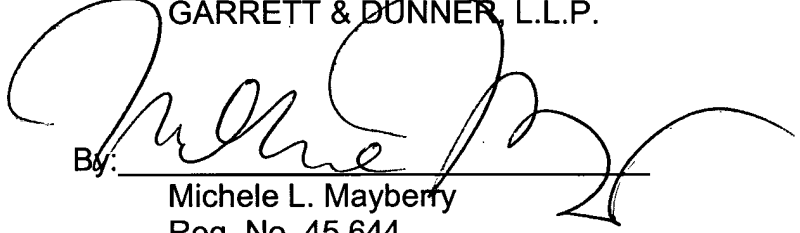
III. Conclusion

In view of the foregoing Amendment and Remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

A large, stylized handwritten signature in black ink, appearing to read 'Michele L. Mayberry', is written over a horizontal line.

By: _____

Michele L. Mayberry
Reg. No. 45,644

Dated: July 28, 2004